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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,455	06/23/2003	Shinya Sasamoto	NISCA USP267	7230

7590 10/05/2004

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EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,455

Applicant(s)

SASAMOTO ET AL.

Examiner

Mark A. Deuble

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/839,662.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (U.S. Patent No. 5,137,256).

Sato et al. shows a sheet processing apparatus 27 which can sort or staple sheets discharged from the image-processing unit. The sheet processing unit comprises a stacking tray 103 which stacks sheets with indicia formed thereon, a processing tray 77 for receiving sheets in a process leading to the stacking tray, and a shifting means 80 which changes the accumulated stacked position of sheets on the processing tray. Sensor S5 is connected to a control means so that it may provide a capacity recognition means that counts the number of sheets delivered to the processing tray thereby recognizing the stacked amount of sheets to stack on the processing tray. In operation, the shifting means makes the position of the leading discharged sheets on the processing tray and the position of subsequent sheets on the processing tray the same before discharging sheets stacked on the processing tray to the stacked tray when it is recognized that the tacking limit capacity of the processing tray has been surpassed by the sheets stacked on the processing tray. Thus Sato et al. shows all the structure required by claims 9 and 11.

In regard to the limitations of claim 10 that the capacity recognition means temporarily stops the stacking of subsequent sheets onto the processing tray when it is recognized that the

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amount stacked on the sheets on the processing ray has exceeded the stacking limit of the processing tray, it should be noted that there would inherently be a temporary stoppage of stacking of subsequent sheets when the stacking limit has been detected by the capacity recognition means.

3. Claims 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rizzolo et al. (U.S. Patent No. 5,288,062).

Rizzolo et al. shows a sheet processing apparatus which can sort or staple sheets discharged from the image-processing unit. The sheet processing unit comprises a stacking tray 92 which stacks sheets with indicia formed thereon, a processing tray 95 for receiving sheets in a process leading to the stacking tray, and a shifting means 96 which changes the accumulated stacked position of sheets on the processing tray. Sensor 161 is connected to a control means so that it may provide a capacity recognition means that senses the level of the sheets to measure the height level of the sheets stacked on the processing tray thereby recognizing the stacked amount of sheets to stack on the processing tray. In operation, the shifting means makes the position of the leading discharged sheets on the processing tray and the position of subsequent sheets on the processing tray the same before discharging sheets stacked on the processing tray to the stacked tray when it is recognized that the tacking limit capacity of the processing tray has been surpassed by the sheets stacked on the processing tray. Thus Rizzolo et al. shows all the structure required by claims 9 and 12.

In regard to the limitations of claim 10 that the capacity recognition means temporarily stops the stacking of subsequent sheets onto the processing tray when it is recognized that the amount stacked on the sheets on the processing ray has exceeded the stacking limit of the

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processing tray, it should be noted that there would inherently be a temporary stoppage of stacking of subsequent sheets when the stacking limit has been detected by the capacity recognition means.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uto et al., Watanabe et al., Saitoh, et al., and Takehara et al. all show sheet processing apparatuses which include a stacking tray, a processing tray, and a shifting means as does the present invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is 703-305-9734. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis, can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md
September 25, 2004



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TECHNOLOGY CENTER 3600